

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**DEBORAH EVI,**

Plaintiff,

No. 3:14-cv-01467-YY

OPINION AND ORDER

v.

**WAL-MART STORES, INC.,**

Defendant.

**MOSMAN, J.,**

On July 12, 2016, Magistrate Judge You issued her Findings and Recommendation [38], recommending that Defendant's Motion for Summary Judgment [23] and Plaintiff's Cross-Motion for Summary Judgment [31] should be DENIED. Defendant filed its Objections to the Findings and Recommendation [40] on August 1, 2016. Plaintiff did not object to the Findings and Recommendation.

**DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court

is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon careful review, I agree with Judge You's recommendation and I ADOPT the F&R [38] as my own opinion.

IT IS SO ORDERED.

DATED this 21 day of September, 2016.

/s/ Michael W. Mosman  
MICHAEL W. MOSMAN  
Chief United States District Judge